

PATENT

Docket No.: SSL0065 US PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Jacques Froissant, et al.

Examiner: Habte, Kahsay

Art Unit: 1624

Serial No.: 10/509,695

Filed: September 30, 2004

Certificate of Transmission

Title: **3-Heteroaryl-3,5-Dihydro-4-Oxo-4H-Pyridazino[4,5-b] Indole-1-Acetamide Derivatives, Their Preparation and Their Application in Therapeutics**

I hereby certify that this correspondence is being transmitted via EFS-Web to the Commissioner for Patents, Alexandria, VA 22313, on

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Brian Pritchett Brian Pritchett
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Restriction/Election Requirement Under 35 U.S.C. § 121

Sir:

This is in response to the Office Action, dated, October 24, 2006, having a response due by November 24, 2006 in the above-identified patent application. It is respectfully requested that the following provisional election, and the remarks be entered in this case.

PROVISIONAL ELECTION:

Applicants provisionally elect with traverse the invention Group I, claims 1-10 and 13-56, drawn to 1,2-diazine fused to indole (tricyclic).

Provisional Election of Species

Applicants provisionally elect with traverse a sub-generic species falling within the scope of invention Group I to be a compound of formula I, wherein X = halogen, Het = pyridinyl, R₁ = R₂ = R₃ = C₁-C₄ alkyl. A single compound within the scope of this sub-generic species is 7-fluoro-*N,N*,5-trimethyl-4-oxo-3-(pyridin-2-yl)-3,5-dihydro-4*H*-pyridazino[4,5-*b*]indole-1-acetamide, which is Example 1 (Compound 1) found in the specification at page 10, line 18 to page 14, line 2. Please note that all of claims 1-10 and 13-56 read on this elected subgeneric species.